

PATENT / DOCKET NO.: P-10606 / 31849.39
CUSTOMER NO. 27683

**INVENTOR'S DECLARATION FOR
PATENT APPLICATION**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and sole joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SURGICAL INSTRUMENT WITH ADJUSTABLE ROTARY CUTTING TOOL
AND METHOD OF CUTTING**

the specification of which: (check one)

X is attached hereto.
was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: John M. Murphy

INVENTOR'S SIGNATURE: _____ DATED: _____

RESIDENCE: 4200 Northern Cross, Haltom City, Texas 76137

CITIZENSHIP: United States of America

POST OFFICE ADDRESS: 4200 Northern Cross, Haltom City, Texas 76137

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FULL NAME OF INVENTOR: Bryan D. Simmons

INVENTOR'S SIGNATURE: _____ DATED: _____

RESIDENCE: 2221 Warrington Avenue, Flower Mound, Texas 75028

CITIZENSHIP: United States of America

POST OFFICE ADDRESS: 2221 Warrington Avenue, Flower Mound, Texas 75028

D-1182301.1

ASSIGNMENT

WHEREAS, We,

(1) John M. Murphy of Haltom City,
State of Texas, USA

(2) Bryan D. Simmons Flower Mound,
State of Texas, USA

have invented certain improvements in

SURGICAL INSTRUMENT WITH ADJUSTABLE ROTARY CUTTING TOOL AND METHOD OF CUTTING

for which we have executed an application for Letters Patent of the United States of America, of even date herewith; and

WHEREAS, Medtronic, Inc. d/b/a Medtronic Midas Rex (Assignee), a corporation organized and existing under the laws of the State of Minnesota, having its principal office and place of business in the City of Minneapolis, State of Minnesota, is desirous of obtaining the entire right, title, and interest in, to and under the said invention and the said application in the United States of America and in any and all countries foreign thereto;

NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and other good and valuable consideration, we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives, and assigns, the entire right, title, and interest in, to and under the said invention, and the said application, and all divisional, renewal, substitutional, and continuing applications thereof, and all Letters Patent of the United States of America which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may be filed for said invention in any country or countries foreign to the United States of America, and all extensions, renewals, and reissues thereof, and all prior patents and patent applications from which a filing priority of the above-described patent application may be obtained, including the right to collect past damages; and we hereby authorize and request the Commissioner of Patents of the United States of America, and any official of any country or countries foreign to the United States of America, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to said Assignee, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, renewal, substitutional, continuing, and reissue applications, make all rightful declarations and/or oaths

and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

First Inventor Name: John M. Murphy
Residence Address: 4200 Northern Cross
 Haltom City, Texas 76137

Dated: _____ Inventor Signature

Second Inventor Name: Bryan D. Simmons
 2221 Warrington Avenue
 Flower Mound, Texas 75028

Dated: _____ Inventor Signature
